

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-9 have been examined. Claims 10-14 have been added. Claims 1-14 are all the claims pending in the application.

Formal matters

Applicant thanks the Examiner for accepting the drawings as filed on February 18, 2004, and for acknowledging claim to foreign priority and receipt of a certified copy of the priority document. Applicant also thanks the Examiner for reviewing and initializing the documents in the Information Disclosure Statement submitted on February 18, 2004.

Claim rejections – double patenting rejection

Claims 1-8 stand rejected on the grounds of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-3 of U.S. Patent No. 7,187,789 to Takeo. Applicant respectfully traverses this rejection.

The Examiner asserts that although the claims are not identical, they are not patentably distinct from each other because all of the features of the current claim (i.e., claim 1) of the current application are covered in the patented application. However, the issue in a double patenting rejection is not whether a current claim is “covered in the patented application”, but rather whether a current claim is the same as, or obvious over, *another claim*. See MPEP § 804, Sec. III, at 800-29 (“[a] double patenting rejection must rely on a comparison with the claims in an issued or to be issued patent”). The Examiner has thus failed to present a prima facie case of obviousness-type double patenting, and accordingly, Applicant respectfully submits that claims 1-8 are patentable for this reason.

Claim rejections -- 35 U.S.C. § 101

Claim 9 stands rejection under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant has amended claim 9 to recite “a computer readable medium storing a computer program”, and respectfully requests the Examiner to withdraw the rejection.

Claim rejections -- 35 U.S.C. § 102

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,272,233 to Takeo. Applicant respectfully traverses this rejection.

For example, claim 1 recites the feature of detecting abnormal shadow regions in images by different kinds of detecting processes. The Examiner maintains that Takeo discloses this feature at col. 6, line 50 to col. 7, line 5. However, Applicant disagrees with the Examiner’s position. At the cited lines, Takeo only discloses using one process -- iris filter processing. Iris filter processing is carried out to produce output signals, and the output signals are manipulated in order to detect a prospective abnormal pattern in the image. Accordingly, Applicant respectfully submits that claim 1 is patentable over Takeo for this reason.

Independent claims 5 and 9 recite similar features and therefore Applicant respectfully submits that claims 5 and 9 are patentable for the same reason. The remaining claims are patentable based on their respective dependencies.

With further regard to claims 2 and 6, these claims recite the feature that whether or not the respective prospective abnormal shadow regions are of a desired abnormal shadow is determined based on a combination of a plurality of characteristic values for the regions predetermined by the kinds of processes by which the regions are detected. The Examiner maintains that Takeo discloses this feature at claim 1 and col. 25, lines 13-54. We disagree with the Examiner’s position. While the cited portion of Takeo does disclose a characteristic value

for the regions, Takeo does not disclose that the characteristic values are predetermined by the kinds of processes by which the regions are detected, as recited by the claims. Accordingly, Applicant respectfully submits that claims 2 and 5 are patentable for this additional reason.

New claims

Applicant adds new claims 10-14 in order to claim additional features of the invention. Applicant submits that these claims are patentable based on their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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